

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTONROBERT JAMES STEWART,
WES MARTINSON, *et al.*,

Plaintiffs,

v.

CHELAN COUNTY DISTRICT
COURT, *et al.*,

Defendants.

NO. CV-05-256-RHW

**ORDER GRANTING
PLAINTIFFS' REQUEST FOR
EXTENSION OF TIME TO FILE
SECOND AMENDED
COMPLAINT; DENYING
PLAINTIFF'S MOTION FOR
PROTECTION**

On November 21, 2005, the Court entered an Order granting the Defendants' motions for more definitive statement and granting Plaintiffs thirty (30) days to file an Amended Complaint (Ct. Rec. 84). On December 12, 2005, Plaintiffs asked the Court for an extension of time to file the Second Amended Complaint and also filed a sixth request for all elements of discovery. Plaintiffs are instructed that Defendants are not under any obligation to provide discovery until Plaintiffs comply with the Court's orders.

Additionally, on December 5, 2005, Plaintiff Robert Stewart filed a Motion for Protection and Fifth Request for Discovery (Ct. Rec. 85). Pursuant to Fed. R. Civ. P. 56(b), the Court has authority to issue a temporary restraining order if it is clear from the specific facts shown by an affidavit or verified complaint that immediate or irreparable injury, loss, or damage will result to the applicant before the adverse party or that party's attorney can be heard in opposition. The purpose

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1 of a temporary restraining order is to preserve the status quo and prevent
2 irreparable harm just so long as is necessary to hold a hearing, and no longer.
3 *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers*, 415
4 U.S. 423, 439 (1974).

5 Plaintiffs have not met their burden of showing immediate or irreparable
6 injury or loss.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 1. Plaintiff Robert Stewart's Motion for Protection and Fifth Request for
9 Discovery (Ct. Rec. 85) is **DENIED**.

10 2. Plaintiffs' Demand that the Court Take Judicial Notice and 6th Request
11 for All Elements of Discovery (Ct. Rec. __) is **DENIED**.

12 3. Plaintiffs' request for an extension of time to file their Second
13 Amended Complaint is **GRANTED**. The above-captioned case will be dismissed
14 unless Plaintiffs file a Second Amended Complaint within **sixty (60) days** after
15 entry of this order.

16 The Second Amended Complaint must be legibly written or typed in its
17 entirety; it should be an original and not a copy; and it may not incorporate any
18 part of the First Amended Complaint by reference. IT MUST BE CLEARLY
19 LABELED THE "SECOND AMENDED COMPLAINT," and cause number CV-
20 05-256-RHW must be written in the caption. The Second Amended Complaint
21 must be signed by each named Plaintiff and must be served on each named
22 Defendant.

23 The Second Amended Complaint must state:

- 24 a. the specific cause(s) of action that each Plaintiff asserts against each
25 individual Defendant; and
26 b. the specific acts or actions for each individual Defendant that
27 Plaintiffs rely upon to support the relief sought, and the approximate
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1 date(s) when these acts or actions took place.

2 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
3 Order and forward copies to counsel and Plaintiffs.

4 **DATED** this 17th day of January, 2006.

5
6 s/ Robert H. Whaley

7 **ROBERT H. WHALEY**
8 Chief United States District Judge
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